

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
ROBERT E. O'BRIEN
3 Assistant Federal Public Defender
Nevada State Bar No. 10944
4 411 E. Bonneville, Ste. 250
Las Vegas, Nevada 89101
5 (702) 388-6577/Phone
(702) 388-6261/Fax
6 Robert_OBrien@fd.org

7 Attorney for Jesus Suarez

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,
13
14 v.
15 JESUS SUAREZ,
Defendant.

Case No. 2:19-cr-00237-JCM-VCF

**STIPULATION TO CONTINUE
MOTION DEADLINES**
(Second Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
17 Trutanich, United States Attorney, and Stephanie Ihler, Assistant United States Attorney,
18 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
19 and Robert E. O'Brien, Assistant Federal Public Defender, counsel for Jesus Suarez, that the
20 pretrial motion deadline be continued sixty (60) days.

21 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
22 shall have to and including February 21, 2020, to file any and all pretrial motions and notice of
23 defense, currently due December 23, 2019.

24 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
25 shall have to and including March 6, 2020, to file any and all responsive pleadings, currently
26 due January 6, 2020.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
2 shall have to and including March 13, 2020, to file any and all replies to dispositive motions,
3 currently due January 13, 2020.

4 1. Counsel for the defendant recently received additional discovery. Additional
5 time is needed to conduct investigation in this case in order to determine whether there are any
6 pretrial issues that must be litigated and whether the case will ultimately go to trial or will be
7 resolved through negotiations.

8 2. The defendant is incarcerated and does not object to the continuance.

9 3. The parties agree to the continuance.

10 4. The additional time requested herein is not sought for purposes of delay, but
11 merely to allow counsel for defendant sufficient time within which to be able to effectively and
12 complete investigation of the discovery materials provided.

13 5. Additionally, denial of this request for continuance could result in a miscarriage
14 of justice. The additional time requested by this Stipulation is excludable in computing the time
15 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
16 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
17 Section 3161(h)(7)(B)(i), (iv).

18 This is the second stipulation to continue filed herein.

19 DATED this 7th day of January, 2020.

20 RENE L. VALLADARES
21 Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

22 By /s/ Robert E. O'Brien

By /s/ Stephanie Ihler

23 ROBERT E. O'BRIEN
24 Assistant Federal Public Defender

STEPHANIE IHLER
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 JESUS SUAREZ,

7 Defendant.

Case No. 2:19-cr-00237-JCM-VCF

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

9
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. Counsel for the defendant recently received additional discovery. Additional
14 time is needed to conduct investigation in this case in order to determine whether there are any
15 pretrial issues that must be litigated and whether the case will ultimately go to trial or will be
16 resolved through negotiations.

17 2. The defendant is incarcerated and does not object to the continuance.

18 3. The parties agree to the continuance.

19 4. The additional time requested herein is not sought for purposes of delay, but
20 merely to allow counsel for defendant sufficient time within which to be able to effectively and
21 complete investigation of the discovery materials provided.

22 5. Additionally, denial of this request for continuance could result in a miscarriage
23 of justice. The additional time requested by this Stipulation is excludable in computing the time
24 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
25 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
26 Section 3161(h)(7)(B)(i), (iv).

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The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

IT IS THEREFORE ORDERED that the parties herein shall have to and including February 21, 2020 to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including March 13, 2020 to file any and all replies.

James C. Mahan
UNITED STATES DISTRICT JUDGE